DOCUMENT RESUME

ED 339 079 EA 023 381

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TITLE The Politics of Legislative Evaluations: Benefits to "Fire-Alarm" Oversight.
PUB DATE 88
NOTE 17p.; Paper presented at the Annual Meeting of the American Evaluation Association (New Orleans, LA, October 26-29, 1988).
PUB TYPE Reports - Research/Technical (143) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Educational Change; Elementary Secondary Education; *Evaluation Utilization; Supervision
IDENTIFIERS *State Legislatures

ABSTRACT

Evaluation practices used by state legislatures to monitor educational reform are analyzed in this paper, which focuses on the link between politics and choice of oversight strategies and evaluation methods. Two oversight strategies are compared--"police-patrol" and "fire-alarm." "Fire-alarm" oversight involves selective monitoring, triggered by complaints from citizens and interest groups who bring potential problems to legislators' attention. In "policy-patrol" oversight, legislators monitor policies to detect problems during implementation. A total of 57 interviews with 16 legislators, 24 committee staff, and 17 legislative agency staff were conducted to analyze the strategies used to monitor recent educational reforms in 6 states--Arizona, California, Georgia, Florida, Minnesota, and Pennsylvania. Findings indicate that educational reform was conducted in ways that minimized time commitments and maximized political benefits for legislators. Legislators, or policymakers, preferred to utilize fire alarm techniques, and practicing evaluators tended to patrol. The recommendation is made for practicing evaluators to utilize fire alarm strategies in order to operate as efficiently as their legislative counterparts. (7 references) (LMI)

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The Politics of Legislative Evaluations: Benefits to "Fire-Alarm" Oversight*

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EA 023 361

*This article is based on research originally presented at the AEA's 1988 annual meeting. The research was conducted while the author was a postdoctoral fellow with the Center for Policy Research in Education at The RAND Corporation.

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Oversight is the evaluative function of legislatures. During oversight, legislators monitor policy implementation to detect and remedy problems, or violations of legislative intent. Most oversight, like formative evaluation, is directed at producing information that can be used by legislators and administrators to improve policies during implementation. Indeed, legislators seldom use oversight to decide whether a policy should be discontinued.

This article examines how state legislatures practice evaluation by analyzing oversight strategies used to monitor recent education reforms in six states (Arizona, California, Florida, Georgia, Minnesota and Pennsylvania).[1] The central theme of the article is the inextricable link between politics and oversight: the choice of oversight strategy, and therefore, the methods legislatures use to evaluate policy implementation, are driven largely by politics. The study found that oversight of education reform in the six sample states was conducted in ways that minimized time commitments and maximized political benefits for legislators.

FIRE-ALARM VERSUS POLICE-PATROL OVERSIGHT

One way to analyze evaluation practice in state legislatures is with the conceptual framework of dual oversight strategies developed by McCubbins and Schwartz in their 1984 study of Congress. "Fire-alarm" oversight involves selective monitoring, triggered by complaints from citizens and interest groups who bring potential problems to legislators' attention. The other

strategy, "police-patrol" oversight, is more active, direct and centralized: legislators monitor policies to detect problems during implementation (as opposed to responding reactively to alarms from outsiders). Sunset reviews and statutory evaluation requirements, such as legislatively-mandated reports, are police-patrol techniques. Examples of fire-alarm techniques are constituent-service (casework) activities and, what Lois-Ellin Datta terms, GAO's "cop-on-the-beat" studies, which are in response to highly specific allegations when something has gone wrong. Committee hearings can be either type, depending upon whether the hearing was called to patrol for problems, or whether it was called in response to an alarm signalling a potential problem.

A comparison of the two oversight strategies suggests different costs and benefits. Police-patrol oversight is more labor intensive and time-consuming. Legislatures must establish special procedures for patrolling, which usually are a drain on members' time. And, inevitably legislators spend a great deal of time examining successful policies where implementation meets legislative intent and is effective.

On the other hand, police-patrol oversight can be an effective technique for deterring violations of legislative intent, as one person interviewed for this study explained:

> When the committee commissioned Price Waterhouse to conduct a management study of the state department of education, it was like sending in the cops, and it had a good deterrent on "weird" behavior.
>
> The department knew the cops were coming in and they cleaned

> up their act. I received lots of calls from department people saying that now that Price Waterhouse is coming in, I'm getting heat from my boss to do things the right way.

The expectation in the present study was that the police-patrol strategy would be used in California, Florida and Pennsylvania where legislatures have greater resources for evaluation --- large staffs, long legislative sessions, and many full-time legislators. It also was expected that state legislatures would patrol to embarrass or harass the implementing agency when relations between the legislature and the executive were strained, as when different political parties controlled each branch.

McCubbins and Schwartz conclude in their study of Congress that fire-alarm oversight is the preferred form, because it is more efficient for evaluating and improving policy implementation. The strategy relies on someone other than legislators for surveillance, and legislators get involved only after an alarm is sounded when a potential problem already is identified. According to the researchers:

> ...a fire-alarm policy enables congressmen to spend less time on oversight, leaving more time for other profitable activities, or to spend the same time on more personally profitable oversight activities --- on addressing complaints by potential supporters. Justly or unjustly, time spent putting out visible fires gains one more credit than the same time spent sniffing for smoke (1984, p. 168).

In view of these benefits, it was expected that fire-alarm oversight would be the predominant strategy in the six sample states, as it is in Congress. It also was expected that because alarms point out problems, legislators would rely on the strategy

to direct their evaluations of the large, omnibus (multi-faceted) reforms of California and Georgia.

FINDINGS

The findings presented here are based on fifty-seven elite interviews, conducted with legislators (16), committee staff (24), and legislative agency staff (17) who are responsible for overseeing education reforms enacted in the previous six years. Elite interviewing, compared to structured survey instruments, treats each interviewee in an individualized, nonstandard way by giving the researcher flexibility in asking questions and the interviewee or "elite" more flexibility in responding (Dexter, 1970). The interview topics for this study focused on institutional and political constraints on oversight, resources available to legislatures for oversight and the extent to which they were used, and motivations of legislators in monitoring contracts for education reform.

Every state in the sample had at least some education reform policies evaluated with the fire-alarm strategy. By contrast, the police-patrol technique was used with reforms in only three states --- Arizona, Florida and Minnesota. Data from the interviews suggest that legislators in the six sample states practiced evaluation in ways that helped them achieve their political goals, such as serving constituents. Most legislators preferred responding to alarms, and when patrolling techniques were used, legislators integrated political benefits into their

patrol strategies. The sections that follow provide evidence for these conclusions.

When Legislators Patrol

As expected, legislatures in the sample with a history of less than cooperative relations with the executive branch incorporated patrolling provisions into education reform legislation. The Arizona and Florida legislatures set a priori terms in the legislation to facilitate surveillance of policy implementors, with little role for state departments of education. Evaluation reports by independent contractors were mandated and special oversight units were established with the intent that legislators would patrol for violations during implementation.

A major education reform in Arizona was the teacher career ladder demonstration program which restructures the compensation and promotion options of teachers by rewarding them on the basis of performance, including student academic progress. In authorizing the program, the legislature created a joint legislative committee to implement as well as monitor the career ladder program, largely because the legislature was dissatisfied with the department of education's management of earlier reforms. Each member of the joint committee was responsible for visiting several local districts to monitor implementation. As a result, members of the committee had public relations opportunities, and the joint committee (rather than the department) had control over information about implementation, which, of course, enhanced the

legislature's ability to patrol for violations.

Legislative monitors discovered early during implementation of the career ladder program that some districts, contrary to intent, continued to use traditional salary schedules, which are based on education and experience, for teacher compensation decisions. The joint committee called a meeting with representatives of local districts, and a revised policy statement stressing performance-based schedules subsequently was issued to clarify legislative intent. Remedying the violation was speedy. In addition, with legislators serving as program field monitors, there was the political boon for committee members of frequent constituency contact.

The Florida legislature, which has a similar history of poor relations with the department of education, established, in its 1983 education reform legislation, the Florida Quality Instructional Incentives Council to oversee implementation of the reforms. The council members included legislators as well as representatives of the business community and, according to council staff, shared responsibility probably reduced the time most legislators must devote to oversight. Reporting requirements, like the ones written into Arizona's career ladder legislation, stipulated when evaluations were due, that independent evaluators were required, and the type of information that reports should include. Florida's state department of education served only a minor role as contract monitor. (In Arizona the legislature completely bypassed the department by

appointing Northern Arizona University as the independent evaluator.) A commitment to good public policy initially may have motivated legislators to volunteer for the oversight committees in Arizona and Florida, but interest was sustained because members were able to do something to benefit their districts and for which they could claim credit. The special oversight mission of these committees, in effect, gave legislators political benefits for monitoring.

Contrary to expectations, patrolling was conducted in states without regard to legislative resources. The Florida legislature, which has a sizeable staff and long sessions, evaluated by patrolling, however, the two other high capacity states, California and Pennsylvania, did not. Conversely, Arizona with a low capacity legislature used the patrolling technique even though it overtaxed the legislators who served as program monitors and also legislative staff.[2]

Another unanticipated finding was the key oversight role played by the sponsors or "legislative champions" of the education reforms. Equipped with staff resources (all held leadership positions), the champions spent considerable time patrolling for violations by keeping in close communication with policy implementors through frequent meetings, telephone calls and occasional hearings.

Interest in oversight among legislative champions stemmed partly from the champions' strong ideological commitment to the education reform. Oversight was used to improve policy and to

protect against opposition. The representative from Minnesota who championed the Postsecondary Enrollment Options Act (PSEO), which gives 11th and 12th graders the option of attending postsecondary institutions, patrolled during implementation to identify provisions that needed refinement. At the same time, groups opposing the reform, such as school districts that feared severe financial losses if many high school students and the money to educate them were transferred to postsecondary institutions, were on the lookout for problems that might justify the law's repeal. Based on information gleaned from monitoring, the champion quickly introduced amendments to rectify PSEO's problems:

> Oversight was a political strategy to ensure I had control of the changes. I also felt that if I didn't fix the administrative problems soon, amendments would pass that would repeal the program.

Some of the changes included deadlines that required students to notify districts the spring before the next academic year of their intent to participate, and counseling provisions to help students make more thoughtful decisions.

The impetus for oversight also came from the personal benefits of oversight, as a staff member to one of the legislative champions observes: "Legislators need to protect their reputations, and not following up on something can be worse than failing to move on to the next issue. The reforms are his legacy." The education reforms to their champions were vehicles for building reputations in the legislature and with

constituents, providing nothing disastrous happened during implementation.

In sum, patrolling generally was practiced by a specialized few, either specially-created oversight units or legislative champions, when the education reforms were priorities on committee agendas or when the reforms furthered the personal goals of legislators. The effect was increased efficiency as selected legislators became specialists in monitoring education reforms. To enhance the appeal of monitoring, opportunities for improving legislators' reputations and reelection prospects often were integrated into oversight strategies.

Legislative Preference for Alarms

Notwithstanding the willingness of legislative champions and special committees to patrol for violations, responding to alarms was the predominant form of oversight used by legislatures with respect to the education reforms. Oversight was selective, usually triggered by complaints from constituents, who served as volunteer monitors, augmenting the resources of part-time legislatures. Legislatures spent less time on oversight because constituent volunteers generally assumed the time-consuming task of monitoring implementation. By waiting for alarms to sound, legislators also increased the political benefits of oversight: members received credit from constituents for intervening to investigate the cause of their complaints (McCubbins and Schwartz, 1984).

In Pennsylvania, where the state board of education is

allowed to make law, the legislature serves as a "court of appeals" for disgruntled constituents and interest groups. Teacher unions were angry when the board adopted a rule requiring teachers with Masters degrees to take six credits of continuing education every five years. The unions appealed to the legislature, arguing that board policy harmed their constituents and ultimately the rule was statutorily repealed. The Senate Education Committee, which led the fight, knew it would be difficult to garner legislative support for an education bill with specific program provisions, so they waited until June when the omnibus education bill was considered and added the appeal. In responding to the alarm, the senators on the education committee won credit from teacher unions, and, equally important, they avoided having to cash in the political chits that a separate bill likely would have required.

In California alarms were sounded when the department of education began to implement an education reform statewide instead of on a pilot basis as intended by the legislature, apparently because selecting pilot districts was unappealing for political reasons. Education lobbyists also charged that local implementation was contrary to the spirit of the law: some districts reclassified twelfth graders as eleventh graders to improve school scores. Education committee members briefly considered terminating the program, but ultimately opted for a milder control, using fiscal sanctions to reaffirm legislative intent. The action soothed members' consciences but, perhaps

most important, all school districts continued to receive money and legislators lost little politically with their constituents.

Georgia's Quality Basic Education Act, similar to California's major reform act of 1983 (Senate Bill 813), is an educational milestone: it is large, comprehensive, and backed by a substantial investment of state money. The bill was rushed through the legislature in 1985 and was closely tracked during implementation by education interest groups whose attention was drawn by promises of increased funding. Special education groups voiced the loudest complaints. Apparently in the rush to write the bill, legislators miscalculated the weights in the funding formula for special education. The fire alarm led legislators to amend the law only one year after passage, thereby reassuring interest groups of the legislature's intent to increase funding for education.

As expected in California and Georgia where reforms were enacted through omnibus legislation, legislators practiced only the fire-alarm strategy. According to committee staff in both states, monitoring all the provisions would have been overwhelming. The alarms were useful for identifying the areas in greatest need of repair and also helped protect legislators from information overload.

CONCLUSION

The six states conducted oversight of education reform in ways that minimized time commitments and maximized political

benefits for legislators. When the police-patrol strategy was used, time demands on legislators were reduced by having legislative champions or special purpose units act on behalf of the legislature, and there were political benefits for the overseers as well. However, judging from the frequency of use of the oversight strategies, the states preferred the fire-alarm strategy, and evaluations most often were selective, focusing on reports of possible violations from constituents and interest groups with whom legislators later claimed credit for serving.

The preference for fire-alarm oversight is eminently rational in terms of what we already know about the use of evaluations in the legislative process. Responding to alarms, according to the interviewees, ensures that evaluation information will be:

- Timely --- constituents who want action are sensitive to the legislative cycle and sound alarms when legislators are able to respond (Chelimsky, 1987).
- Relevant --- alarms deal with concerns important to constituents and focus on topics that legislators can do something about (Weiss & Weiss, 1981).
- From credible sources --- alarms are sounded by constituents, mainly organized interest groups whom legislative staff routinely listen to (Weiss, 1989).
- Oriented toward program improvement --- alarms provide formative information that identify possible problems and recommendations for changes (Alkin et al., 1974).

For practicing evaluators who are concerned about enhancing decision-making, this study offers some important lessons. The evaluation literature has never been clear about <u>which</u> decisions evaluators should try to enhance. The results from this study

suggest policy makers are interested primarily in decisions that will put out fires and improve programs. But practicing evaluators more often do something quite different --- patrol. Resources for in-house evaluation shops, for example, traditionally are poured into what Huberman and Miles (1984) refer to as "monitoring for fidelity" evaluations --- is program implementation faithful to program design? --- or into more technically-oriented evaluations that feature test score analysis, for instance. Practicing evaluators may be trying to enhance decision-making, but the decisions their evaluations address may be of only secondary interest to policy makers.

At the very least, the findings here suggest that practicing evaluators ought to spend more time fighting fires and conducting evaluations that enhance decisions about program improvement. In-house evaluation shops perhaps ought to be recreated as fire departments of evaluators with the capability to ferret out facts and put out fires. Legislators evaluate in ways that maximize benefits and minimize time commitments, practicing evaluators should be similarly efficient in their activities.

NOTES

1. In line with national trends, education reforms in the sample states focused on raising academic standards for students and improving how teachers are trained, recruited and compensated. Reforms increased course requirements for graduation (Arizona, California, Florida, Georgia, Pennsylvania); expanded student testing programs (Arizona, California, Georgia, Pennsylvania); and lengthened the school day (California, Florida). Minnesota's major reform allowed eleventh and twelfth graders the choice of attending high school or a postsecondary institution such as a community college or vocational center. Reforms directed at improving teacher quality stiffened teacher certification requirements (Georgia, Pennsylvania) or moved toward performance-based compensation systems (Arizona, California, Florida).

2. Arizona's Senate Education Committee only has two staff members. The senior staffer doubled as project director for the career ladder program and staff to the joint committee, in addition to working for the education committee.

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